

DIRECTOR'S DECISION

APPLICANT: Washington State Department of Transportation

LANDOWNER: Same

APPLICANT AGENT: Curtis Knopp, Washington State Department of Transportation

FILE NO.: C11-0012

REQUEST: Install two directional signs for tourist activities on State Route 14.

LOCATION: The signs would be located in the right-of-way of State Route 14 near Avery Road at eastbound MP 89.22 +/- and westbound MP89.82+/- in the NE ¼ of Section 15, Township 2 North, Range 14 East, W.M., Klickitat County, Washington.

LAND USE DESIGNATION: The subject portion of the Washington State right-of-way is in the General Management Area and is designated Large-Scale Agriculture.

DECISION:

Based upon the findings of fact in the Staff Report for Director's Decision C11-0012, the land use application by Washington State Department of Transportation to install two directional signs for tourist activities on State Route 14 is found to be consistent with the standards of Section 6 and the purposes of the Columbia River Gorge National Scenic Area Act P.L. 99-663, and the Management Plan for the Columbia River Gorge National Scenic Area (Management Plan), and approvable under Commission Rule 350-81 and is hereby **approved**.

CONDITIONS OF APPROVAL:

The following conditions of approval are given to ensure that the subject request is consistent with the standards of Section 6 and the purposes of P.L. 99-663, and the Management Plan and approvable under Commission Rule 350-81. These conditions must be recorded in county deeds and records to ensure notice of the conditions to successors in interest (Management Plan, Review Uses Guideline 1, pg. II-96).

1. Locations for all new structures shall be staked for Commission inspection prior to grading or excavation. The applicant shall notify the Commission once staking is complete to arrange for an inspection. Grading and excavation may begin after Commission inspection and approval of staking.
2. The signs shall be sited as shown on the site plan. If changes to the location are proposed, a revised site plan shall be submitted to the Executive Director for review and approval prior to application for a permit from Klickitat County.

3. The support posts and back sides of the signs shall be painted a matte-finish dark brown color found in the surrounding landscape. The specific color shall be submitted for review and approval by the Executive Director prior to painting the signs and posts.
4. No lighting of the signs is approved in this decision. If lighting is desired in the future, lighting design and location shall be submitted for review and approval by the Executive Director prior to installation.
5. The applicant shall notify the Gorge Commission within 30 days of project completion to arrange for an inspection to confirm compliance with conditions of approval. Project completion means completion of all work on exteriors of structures (including painting), completion of grading and excavation and installation of any required screening vegetation.
6. If cultural resources are discovered during construction activities, all activities within 100 feet of the cultural resources shall cease and the applicants shall notify the Gorge Commission within 24 hours. The cultural resources shall remain as found; further disturbance is prohibited until permission is granted by the Executive Director of the Gorge Commission.
7. If human remains are discovered during construction activities, all activities shall cease upon their discovery. Local law enforcement, the Executive Director and Indian Tribal governments shall be contacted immediately. Further disturbance is prohibited until permission is granted by the Executive Director of the Gorge Commission.

DATED AND SIGNED THIS 1st day of December, 2011 at White Salmon, Washington.



Jill Arens
Executive Director

EXPIRATION OF APPROVAL:

This decision of the Executive Director becomes void on the 1st day of December, 2013.
As per Commission Rule 350-81-044(6), an extension of the validity of a development approval may be requested. Such a request shall be submitted in writing prior to the expiration of the approval. The Executive Director may grant an extension if it is determined that conditions, for which the applicant was not responsible, would prevent the applicant from commencing the proposed development within the original time limitation. The Executive Director shall not grant an extension if the site characteristics and/or new information indicate that the proposed use may adversely affect the scenic, cultural, natural or recreation resources in the National Scenic Area.

APPEAL PROCESS:

The appeal period ends the 31st day of December, 2011.
The decision of the Executive Director shall be final unless a Notice of Intent to Appeal and Petition is filed with the Commission within thirty (30) days of the date of this decision by the applicant or any person who submitted comment. Information on the appeal process may be obtained at the Commission office.

NOTES:

Any new land uses or structural development not included in the approved application or site plan will require a new application and review.

Attachments: Approved site plan
Elevation drawing of signs

cc: Confederated Tribes and Bands of the Yakama Indian Nation
Confederated Tribes of the Umatilla Indian Reservation
Confederated Tribes of Warm Springs Reservation
Nez Perce Tribe
Klickitat County Planning
Klickitat County Building
Klickitat County Public Works
Friends of the Columbia Gorge

AMB
DEC0012.11



C11-0012

APPROVED

JA 12/1/11

WB sign MB 89.82T

E8 sign MB 89.22T

Columbia River Gorge Commission

orange lines = tax lot lines

Created by: *Angie Brewer*

Date: *Oct. 31, 2011*

1,800

900

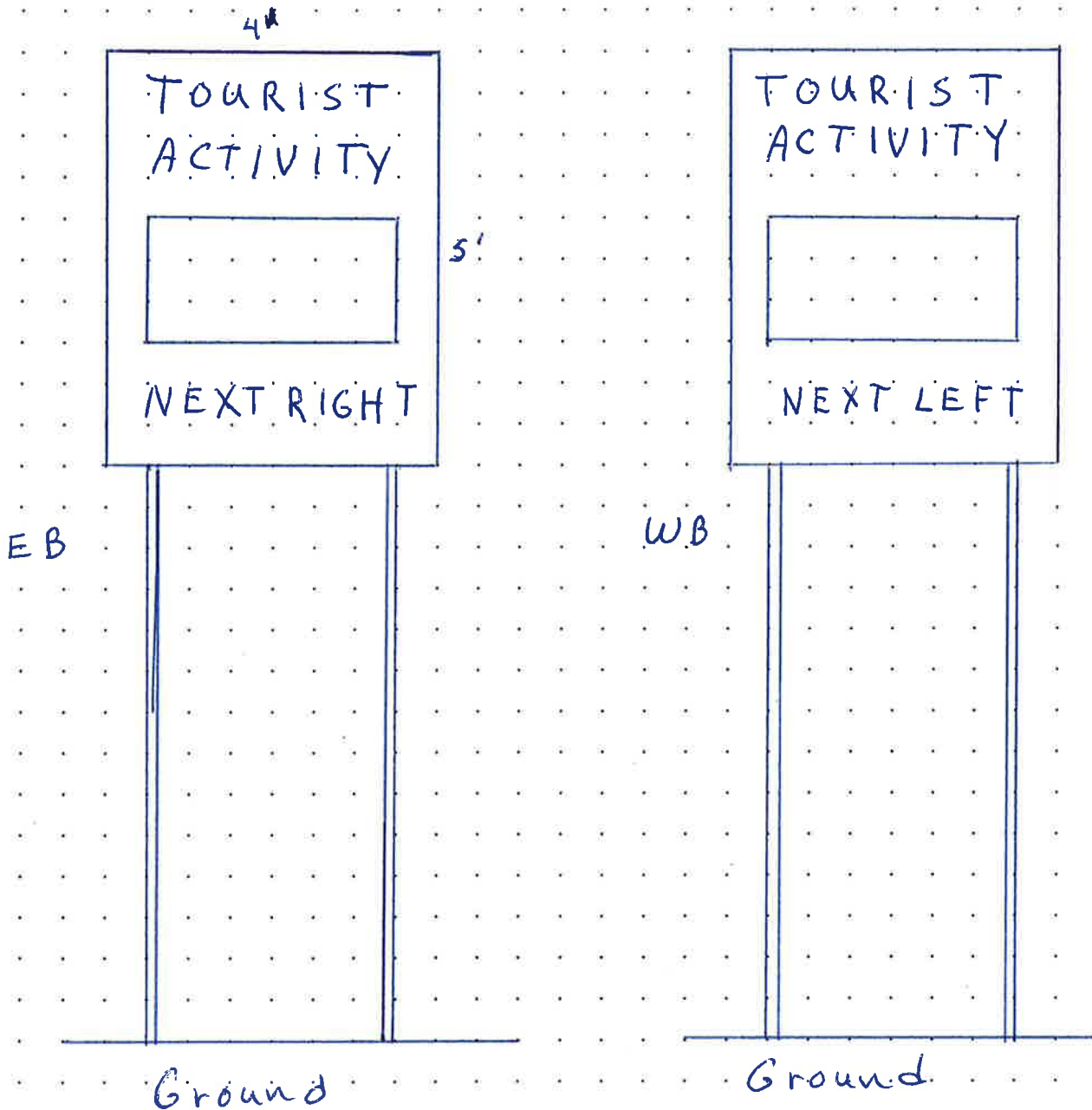
0



Disclaimer: The Columbia River Gorge National Scenic Area/ Columbia River Gorge Commission data, information, and maps are provided "as is" without warranty or any representation of accuracy, timeliness or completeness. This information is intended for general planning purposes and is not intended for site specific planning or analysis. Original data was compiled from various sources and that all information should be verified with those sources. **NO** warranty is made by the Commission and its staff. The requestor acknowledges and accepts all limitations, including the fact that the data, information, and maps are dynamic and subject to change without notice. The Commission shall not be liable for any state of maintenance, correction and update.

Site plan (continued)

Signs will be installed on Hwy 14 R/W



Ground

Ground

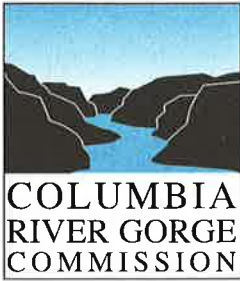
Both locations are mostly flat. There may be some slope.

Soil will be covered with straw for soil erosion if needed.

APPROVED

JA 12/1/11

Each grid equals 50' x 50' at a scale of 1" = 200'.



PO Box 730 • #1 Town & Country Square • White Salmon, Washington 98672 • 509-493-3323 • fax 509-493-2229
www.gorgecommission.org

STAFF REPORT

APPLICANT: Washington State Department of Transportation

LANDOWNER: Same

APPLICANT AGENT: Curtis Knopp, Washington State Department of Transportation

FILE NO.: C11-0012

REQUEST: Two directional signs for tourist activities on State Route 14.

LOCATION: The signs would be located in the right-of-way of State Route 14 near Avery Road at eastbound MP 89.22 +/- and westbound MP89.82+/- in the NE ¼ of Section 15, Township 2 North, Range 14 East, W.M., Klickitat County, Washington.

LAND USE DESIGNATION: The subject portion of the Washington State right-of-way is in the General Management Area and is designated Large-Scale Agriculture.

COMMENTS FROM OTHER INDIVIDUALS/AGENCIES/GOVERNMENTS:

Notice of the subject request was mailed to property owners within 200 feet of the subject parcel and the following individuals/agencies/governments:

Confederated Tribes and Bands of the Yakama Nation
Confederated Tribes of the Umatilla Indian Reservation
Confederated Tribes of Warm Springs Reservation of Oregon
Nez Perce Tribe
U.S. Forest Service National Scenic Area Office
Washington Department of Archaeology and Historic Preservation
Klickitat County Planning Department
Klickitat County Building Department
Klickitat County Health Department
Klickitat County Assessor
Washington Department of Fish and Wildlife
Friends of the Columbia Gorge

Written comments were received from Richard Till with the Friends of the Columbia Gorge and Vera Sonneck with the Nez Perce Tribe.

FINDINGS OF FACT:

A. Land Use

1. The applicant is seeking approval for two signs to provide motorists with directions to a winery from State Route 14, near the intersection of Avery Road.

The proposed signs are single-sided aluminum signs that measure 48 inches wide by 60 inches tall and will be mounted on steel posts approximately seven feet above ground. The signs have a blue background with white lettering and a space for the winery's logo, consistent with the standards for Specific Service Signs in the *Manual for Uniform Traffic Control Devices* (MUTCD). The posts and backsides of the signs are proposed to be painted a matte-finish dark brown.

2. The Land Use Designation map in the *Management Plan for the Columbia River Gorge National Scenic Area* designates this portion of the road right-of-way Large-Scale Agriculture in the General Management Area (GMA).
3. Commission Rule 350-81-050 contains a list of developments that may be reviewed using the expedited review process as long as they comply with the resource protection guidelines contained in 350-81-052. Commission Rule 350-81-050(1)(h) lists signs other than those allowed outright. Tourist activity signs are not listed among the types of signs allowed outright in Commission Rule 350-81-074. Therefore, the signs are reviewed for consistency with the resource protection guidelines contained in Commission Rule 350-81-052.

Conclusion:

The proposed signs are an allowed expedited review use, subject to Commission Rule 350-81-052, which protects scenic, cultural, natural, and recreation resources and treaty rights for uses reviewed through the expedited review process.

B. Scenic Resources

1. Commission Rule 350-81-052(1)(a) contains scenic resource protection guidelines for proposed developments being reviewed through the expedited review process.
2. Commission Rule 350-81-052(1)(a)(D) states:

Outdoor lights shall be directed downward and sited, hooded, and shielded such that they are not highly visible from key viewing areas. Shielding and hooding materials shall be composed of non-reflective, opaque materials.

No lighting of the sign is proposed. A condition of approval will alert the applicant to these requirements in the event lighting is proposed in the future.

3. Commission Rule 350-81-052(1)(a)(E) states:

Signs shall comply with 350-81-112.

This signs are allowed, subject to compliance with the sign guidelines listed under 350-81-112 and the other resource protection guidelines in Commission Rule 350-81-052.

4. Commission Rule 350-81-052(1)(a)(F) states:

Structures within one-half mile of a key viewing area and topographically visible from the key viewing area shall be sited, screened and/or designed to achieve the applicable scenic standard (visual subordination).

The signs will be topographically visible from three key viewing areas: State Route 14, the Columbia River, and Interstate 84. The signs will be located within the immediate foreground of State Route 14 (inside the right-of-way) and may be briefly visible in the middle ground to background from the Columbia River and Interstate 84. Scenic resource protection guidelines specific to signs are contained in Commission Rule 350-81-112. As discussed in Finding A.7, the signs are designed to be visually subordinate to the extent practicable for their function, consistent with this guideline.

5. Commission Rule 350-81-112(1)(a) requires all new signs to meet the following guidelines:

- (A) *The support structure shall be unobtrusive and have low visual impact.*
- (B) *Lettering colors with sufficient contrast to provide clear message communication shall be allowed. Signs shall be colored to blend with their setting to the maximum extent practicable.*
- (C) *Backs of all signs shall be unobtrusive, non-reflective, and blend in with the setting.*
- (D) *Spotlighting of signs may be allowed where needed for night visibility. Backlighting is not permitted for signs.*

The front side of the proposed signs will have white lettering on a blue background, consistent with the MUTCD for tourist-oriented directional signs and traffic control. The white lettering on a blue background color scheme provides clear message communication through consistency with national standards for such signs. It is recognized at the local, state, and national levels for identifying and providing direction to privately owned tourist activities such as wineries, farms, and bed & breakfasts. Consistent use of the white lettering on blue background color scheme also is less obtrusive than multiple signs using varying color schemes.

The posts and backsides of the signs will be painted a matte-finish dark brown color found in the surrounding landscape. The support structure for the signs will be steel posts, which are thinner than traditional 4"x4" wood posts. With a painted matte finish and narrow support structure that easily blends into the landscape, the backs of the signs and associated support structures will be unobtrusive. No lighting or backlighting is proposed. As proposed the signs will be unobtrusive and blend into the setting more to the maximum extent practicable, consistent with Commission Rule 350-81-112(1)(a).

Conclusion:

As proposed, the signs are consistent with the scenic resource protection guidelines in Commission Rule 350-81-052(1)(a) for expedited review uses and with Commission Rule 350-81-112 for signs in the General Management Area.

C. Cultural Resources

1. Commission Rule 350-81-052(b) includes the following cultural resource protection criteria:

- (A) *The expedited development review process shall only be used to review proposed development that does not require a reconnaissance survey, pursuant to 350-81-540(1)(c)(A) or historic survey, pursuant to 350-81-540(1)(c)(B).*
- (B) *The GMA guidelines that protect cultural resources and human remains discovered during construction [350-81-540(6) and (7)] shall be applied as conditions of approval for all development approved under the expedited development review process.*

As explained in Findings C.2 and C.3, the sign requires neither a reconnaissance nor a historic survey. The GMA guidelines that protect cultural resources and human remains discovered during construction are applied in Findings C.4 and C.5 below. The proposal may therefore be reviewed through the expedited review process pursuant to Commission Rule 350-81-052(b).

2. Commission Rule 350-81-540(1)(c)(A)(ii) states:

A reconnaissance survey shall be required for all proposed uses except:

- (III) *Proposed uses that involve minor ground disturbance....*

On November 2, 2011, Margaret Dryden, Heritage Resources Program Manager for the Columbia River Gorge National Scenic Area, submitted a Cultural Resources Survey Determination. Ms. Dryden determined that a reconnaissance survey was not required because the use would only involve minor ground disturbance, would occur in a site that has been previously disturbed, and would not be located within 500 feet of a known archaeological site. Thus, the sign does not require a reconnaissance survey pursuant to Commission Rule 350-81-540(1)(c)(A)(ii) and is consistent with Commission Rule 350-81-540(1)(c)(A).

3. Commission Rule 350-81-540(1)(c)(B) states:

A historic survey shall be required for all proposed uses that would alter the exterior architectural appearance of buildings and structures that are 50 years old or older, or would compromise features of the surrounding area that are important in defining the historic or architectural character of buildings or structures that are 50 years old or older.

Ms. Dryden's Cultural Resources Survey Determination of November 2, 2011 also stated that a historic survey was not required because the use would not alter any structures that are fifty years old or older and would not be compromising any features of the surrounding area that are important in defining historic or architectural character of buildings or structures that are 50 years old or older. Therefore, a historic survey is not required, pursuant to Commission Rule 350-81-540(1)(c)(B).

4. Commission Rule 350-81-540(6) protects cultural resources discovered during construction. It requires that if cultural resources are discovered after construction begins, all construction activities within 100 feet of the discovered cultural resource shall cease; further disturbance is prohibited, and the Gorge Commission shall be notified within 24 hours of the discovery. A condition of approval will alert the applicant to this requirement.
5. Commission Rule 350-81-540(7) protects human remains discovered during a cultural resources survey or during construction. It requires that if human remains are discovered after construction begins, all construction activities shall cease and the Gorge Commission, local law enforcement officials and the Indian tribal governments shall be contacted immediately. A condition of approval will alert the applicant to this requirement.

Conclusion:

With conditions requiring the cessation of work and Commission notification if cultural resources or human remains are discovered during construction activities, the signs are consistent with the cultural resource protection guidelines in Commission Rule 350-81-052(1)(b) for expedited review uses in the National Scenic Area.

D. Recreation Resources

1. Commission Rule 350-80-052(1)(c) states:

The development shall not detract from the use and enjoyment of established recreation sites on adjacent parcels.

The signs will be posted near the intersection of Avery Road, which provides access to a nearby winery as well as Avery Park and Boat Landing, a recreation facility owned and operated by the United States Army Corps of Engineers. No comments or concerns were received during the comment period regarding the potential impacts of the signs to the use and enjoyment of Avery Park. The development reviewed by this decision for impacts to established recreation sites is limited to the proposed signs. Potential Impacts to recreation resources from winery and tasting room related traffic were evaluated during the review of the winery and tasting room in Director's Decision C09-0011. The signs are unobtrusive and do not detract from the use and enjoyment of Avery Park, consistent with Commission Rule 350-80-052(1)(c).

Conclusion:

The signs are consistent with the recreation resource protection guidelines in Commission Rule 350-81-052(1)(c) for expedited review uses in the National Scenic Area.

E. Natural Resources

1. Commission Rule 350-81-052(1)(d) contains natural resource protection guidelines for review uses undergoing the expedited review process.
2. Commission Rule 350-81-052(1)(d)(A) requires that all proposed developments are outside any wetland, stream, river, pond or lake buffer zones in order to be reviewed through the expedited review process. It states:

The development is outside buffer zones for wetlands, streams, rivers, ponds, and lakes. This guideline shall not apply to lot line adjustments or development located inside road, utility or railroad rights-of-way or easements that have been previously disturbed and regularly maintained.

The signs will be located within the right-of-way for State Route 14, a previously disturbed and regularly maintained right-of-way for a state highway. Furthermore, the nearest known water resource (the Columbia River) is more than 600 feet from the location of the signs, well outside of any required riparian buffers. Consistent with Commission Rule 350-81-052(1)(d)(A), the proposed sign is located in a road right-of-way and outside buffer zones for wetlands, streams, rivers, ponds, and lakes.

3. Commission Rule 350-81-052(1)(d)(B) contains guidelines that protect sensitive wildlife and plant species within the vicinity of the proposed development. It states:

(i) The development meets one of the following:

(II) The development does not disturb the ground or is inside road, utility or railroad rights-of-way or easements or other areas that have been previously disturbed or regularly maintained.

The signs are located within the right-of-way for State Route 14. Given the location of the signs within a road right-of-way, they are consistent with Commission Rule 350-81-052(1)(d)(B)(i)(III), and are therefore eligible for expedited review.

Conclusion:

The signs are consistent with the natural resource protection guidelines in Commission Rule 350-81-052(1)(d) for expedited review uses in the National Scenic Area.

F. Treaty Rights Protection:

1. Commission Rule 350-81-052(2) contains treaty rights protection guidelines for proposed developments reviewed using the expedited review process:

(a) Proposed developments shall not affect or modify any treaty or other rights of any Indian tribe.

(b) The expedited development review process shall cease and the proposed development shall be reviewed using the full development review process if an Indian tribe submits substantive written comments during the comment period that identify the treaty rights that exist in the project vicinity and explain how they would be affected or modified by the proposed development.

The signs would not affect or modify treaty or other rights of any Indian tribe, consistent with this rule. No substantive written comments were received from any Indian tribe during the comment period. The signs are consistent with Commission Rule 350-81-052(2).

Conclusion:

The signs are consistent with Commission Rule 350-81-052(2), which provides protection for treaties and any other rights of any Indian tribe impacted or affected by review uses allowed through expedited review.

cc: Confederated Tribes and Bands of the Yakama Indian Nation
Confederated Tribes of the Umatilla Indian Reservation
Confederated Tribes of Warm Springs Reservation
Nez Perce Tribe
Klickitat County Planning
Klickitat County Building
Klickitat County Public Works
Friends of the Columbia Gorge

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